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Way of Unity and Peace

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# "THE WAY

OF

# UNITY AND PEACE"

*"The best traditions of our past, no less than the undisclosed and fateful issues of the future, appeal to us to-day with imperious accents to pursue if we can the way of unity and peace."—The Prime Minister in the House of Commons, March 9, 1914.*

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The Writers have sought and obtained the permission of the Archbishop of Canterbury to reprint with this paper the following letter from him which appeared in *The Times* of Tuesday, March 10, 1914 :—

> Sir,—*Now and then in a nation's story there comes a crisis hour. Great issues turn upon whether it is used or missed. It passes quickly, and there is no sounder test of greatness in the leadership of men than the power to know the time and to "redeem" it.*
>
> *When this year began we prayed that, by the help of God, our statesmen might have that vision, and that among the men and women of the land a resolute public spirit might replace what seemed to be a pervading apathy. Has the hour come to-night in which to look for an answer to that prayer? Have not statesmen, in this afternoon's debate, trod ground the very treading of which makes possible a solution of what seemed insoluble?*
>
> *It depends upon what they learn to be the force behind them making for peace, not strife. It is an hour for steady thought, for broad resolve, for expectant prayer.*
>
> *Your obedient servant,*
>
> RANDALL CANTUAR :
>
> *Lambeth Palace, March 9.*

# "THE WAY OF UNITY AND PEACE."

The way of Unity and Peace is the subject of most anxious searching by every lover of our Country in the present crisis.

The purpose of this paper is to remind men that there is such a way and to indicate the access to it. Those who have long been convinced of the necessity of discovering some means of relieving the congestion of Parliament and who have made some survey of the ground, are convinced that they discern such a way in a general scheme of devolution. The writers of this paper claim no priority of discovery. Far from it; they recognise the claims of many other pioneers and explorers in this region, and, in particular, they call to mind with gratitude the approval of the principle of devolution or Home Rule all round which, qualified though it be, has been expressed by the Prime Minister himself, by Sir Edward Carson, Mr. Austen Chamberlain and others. What the writers desire to do is to recall men's minds from the pursuit of unsatisfactory expedients, and the treading of paths that admittedly lead nowhere, or else to a wrong destination, and to redirect them into what the writers believe to be in very truth the way of Unity and Peace.

They believe that in the present crisis there lies not only the opportunity but the obligation to seek in a general scheme of devolution the common interest of all parts of the United Kingdom. To this end they have formed a small committee consisting of adherents to the policy of devolution who, while not themselves committed to the views of any political party, desire to make known to the public the lines on which they hold that such a policy should proceed, believing that in doing so they will command the approval of many sympathisers



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who may not have had the leisure to formulate a scheme for themselves, or the opportunity of expressing their opinion upon a scheme formulated by others.

The proposals of the Committee are not designed either to provide a way of escape for the present Government from their Irish difficulties nor to enable the present Opposition to defeat Home Rule without bloodshed ; they are designed with the deliberate intention of using the present crisis to promote a policy which the Committee believe to be essential to the good Government of the United Kingdom.

They content themselves for the moment with submitting for criticism the following propositions on the basis of which, however, it is intended to formulate a detailed scheme after a brief interval.

The first four of these are statements of generally accepted truths, and barely require comment except for the purpose of demonstrating a fact which in the stress of crisis is apt to be forgotten : that, even were it not for the extreme urgency of the Irish question, the virtual breakdown of the machinery of legislation would require the attention of all people who are interested in the conduct of public business.

The propositions are as follows :—

**1.** The congestion of business in the House of Commons is such that

(*a*) The House can no longer deal with the work it ought to deal with ; and,

(*b*) The work that it purports to deal with is dealt with under a pressure which renders due deliberation impossible.

It is superfluous to adduce the hard case of the private member. His grievances are notorious, and if in such circumstances there is no redress, the inference is that, under the present system, no redress is obtainable. In any case, the result is to be deplored. It is not well that members should be returned to Westminster by their constituents under conditions which to so large an extent render their individual experience and capacity ineffective.

But what is of much graver consequence is that legislation long overdue is postponed from one session to another, and even from one Parliament to another, for the lack of time, and in this connection time means time not only to legislate but to prepare for legislation. The Report on the Poor Law still awaits the attention of the Legislature, and the long-promised reorganisation of the rating system is still unintroduced. Complicated and contentious Bills are passed, not infrequently without discussion of their clauses; legislation by reference to former statutes, and other expedients are resorted to in order to evade discussion in the House. Vast Imperial interests, such as those of India, are dealt with under conditions that erroneously suggest a lack of sympathy as well as a want of information. Millions of pounds are voted almost without scrutiny, and all this for lack of time.

Time is a commodity of which the supply is not regulated by the demand.

**2.** The hours which the House sits cannot be multiplied, nor the duration of its sessions lengthened.

The capacity of the House for remaining at work is in the last resort determined by the powers of endurance of its hardest worked members, *i.e.* of Ministers. It is impossible for men to attend efficiently to departmental duties and to make themselves responsible for the greater part of the legislation of the year if they are denied all opportunity for rest or deliberation. This applies also to parliamentary committees and to parliamentary draughtsmen. It would be unreasonable to expect efficient draughtsmanship or efficient criticism from men who never know what it is to have a holiday from one year's end to another.

**3.** The employment of the Closure in its various forms is manifestly inevitable, and its results are confessedly unsatisfactory.

It is not intended here to discuss the degree of odium attaching to the various forms of Closure. It suffices to note that all forms of it are abhorrent to the party which is out of office, while one or other is found to be entirely

defensible in the special circumstances of the party which is in. From the point of view of the practical man, its employment is deplorable if it is really necessary, and yet more deplorable if the action of party makes it necessary when it might otherwise have been avoidable.

**4.** The rules of the House may or may not require alteration, but no conceivable alteration can eradicate the evil.

The House is too unwieldy in size to be efficient in business; but in existing circumstances no reduction in the number of members can be effected.

These two propositions are stated together because the suggested changes in both cases may be regarded as palliatives rather than remedies for the disease.

In regard to the former, the best brains of both parties have at one time or other been engaged upon the problem without success. The ingenuity of the obstructives has always triumphed, and as it is only fair to assume that at least as much intelligence has been devoted to promoting the business of the nation as to obstructing it, the inference from the fact that Providence is somehow always upon the side of the obstructives can only be that the existing mass of business operates as a handicap in their favour.

In regard to the latter, the argument that a reduction in the number of members would deprive local opinion of adequate representation is irresistible so long as local affairs are dealt with in the Imperial Parliament.

**5.** The true remedy then is a policy of devolution, which would afford instant and ample relief.

Moreover, it is at least possible that with its adoption the palliatives mentioned above would become feasible and productive of good results. Thus the reduction of the number of members could no longer be opposed on the ground of the inadequacy of the representation of local opinion if local affairs were delegated to another body.

**6. BUT** the desire to use the present crisis in the common interests of all parts of the United Kingdom must be coupled with a due regard for the exigencies of the crisis itself.

Public opinion may determine to assert itself against the course pursued by political parties in Great Britain. It cannot afford to ignore the realities in Ireland.

It is not sufficiently realised in this island even now that whereas we are ranged for or against the Nationalist ideal as a matter of reason or expediency, Irishmen are arrayed on one side or the other as a matter of Faith. We have discussed the question at intervals for thirty years; it has been the main pre-occupation of Irishmen for centuries.

**7.** The victory of either political party in Great Britain, whether at the polls or in the lobbies, means the triumph of one ideal in Ireland and the ruin of the other.

To whichever side the victory goes in Great Britain, there is no reason to believe that it will be, or should be, accepted as conclusive in Ireland by the losing cause.

The Irish are proverbially a political people, yet in this matter Englishmen and Scotsmen are disposed to be more political than Irishmen. By this it is meant that we are more ready to accept the political conventions of the rule of the majority, whether that majority be taken as the majority of the electorate or the majority of the electorate's representatives in Parliament. We are, in fact, ready to sacrifice one party of Irishmen or the other on an electoral altar. "Jehovah jireh" is our motto. It is possible that in one case or the other the Whips or the party managers may have a shrewd suspicion of the identity of the lamb which the electoral Providence will provide for the offering. But after all it is the theory of our system of Government that majorities should rule. The Irish may be forgiven if to them the vital nature of the issue seems to transcend the value of the odd man's vote. The levity of the proceedings of the side opposed to them (Irishmen do not, as a rule, see more than one side) seems portentous and its wickedness beyond pardon. And in truth they are right, the levity *is* portentous, the wickedness beyond pardon, of people who are ready on a chance majority to incur the antagonism of one or other section of a people that does

not easily forget, sooner than attempt the more laborious process of conciliation.

**8.** The victory of public opinion over considerations of party expediency must mean a conciliation of the opposing ideals based upon a settlement in which neither ideal should be sacrificed to a greater extent than is necessary for the sake of concord.

The merit of such a victory—if it can be won—is that no party will survive to celebrate triumphant anniversaries in the years to come and none to cherish bitter memories of defeat. The Peace of Vereeniging is of happier augury than the Battle of the Boyne.

**9.** It is submitted that success in obtaining this victory for Peace depends upon the acceptance of two principles.

(i) The measure of devolution must be such that it will satisfy the reasonable demand for self-government.

(ii) The method of devolution must be such that the rights of his Majesty's subjects in all parts of the United Kingdom shall be secured upon an equal basis.

From the acceptance of these two principles two results may be expected to follow :—

(i) The relief of the unduly heavy burdens now borne by the Parliament at Westminster and

(ii) The lasting settlement of the Irish difficulty.*

**10.** The kingdoms of England and Wales, Scotland and Ireland must each be given large powers of self-government and the relative positions of each to the Parliament of the United Kingdom must be the same.

Although it may be necessary to deal with Ireland first, it is not desirable to deal with Ireland exceptionally.† If Home

* "I believe there are many Scotsmen who would look with a benevolent eye upon changes which would give them greater scope for usefulness in public life, which would tend to the relief of the unduly heavy burden now borne by the Parliament at Westminster and which would bring about last but not least a lasting settlement of the Irish difficulty."—*Lord Lansdowne at Glasgow, December* 3, 1913.

† "It is necessary if there is to be any further extension of local Government that all parts of the United Kingdom should share alike, and that condition, if fulfilled, would in itself be a great safeguard for Imperial Unity. . . . Though it may be desirable to deal with Ireland first it is not desirable to deal with Ireland exceptionally."—*Mr. Austen Chamberlain at Bromsgrove, November* 20, 1913.

Rule were granted to Ireland without a similar grant to England and Scotland, England and Scotland would be left to do their local business in a Parliament which would still be partially controlled by Irishmen after Englishmen and Scotsmen had ceased to exercise control of Irish local affairs.

**11.** It is assumed that any such scheme of general devolution would follow historical and traditional lines of demarcation. If it were desired either now or hereafter to create separate areas of Government in England and Wales, such an arrangement could be made consistently with this scheme, but it must not involve the creation of subordinate parliaments in too many areas. In the event of any division of England and Wales, it would probably be found expedient to provide, apart from the general arrangements applicable to the whole United Kingdom, for special uniformity of laws in such divisions; and there is precedent for this in the constitution of the Dominion of Canada.

**12.** In any event the subordinate parliaments which it is proposed to establish must be large enough both in area and jurisdiction to be above the competition of even the greatest County or Borough Councils.

Failure to observe this rule would involve a great number of perils.

The creation of parliaments small in area and jurisdiction would limit the relief which it would be possible to give to the congestion of the Imperial Parliament, because the greater the number of areas the more difficult would become the problem of allocating their powers. Among a number of small political entities all could not be relied on to have sufficient sense of responsibility to warrant their being given large powers either of legislation or administration. Moreover it would not prove to be a solution of the Irish problem.

Apart altogether, however, from these primary objections to such a scheme, there are many others of almost equal force. Thus:

(i) The multiplication of authorities would increase friction without abating party strife.

(ii) There would be a shortage of men capable of doing the work of Government and legislation.

(iii) It would be almost impossible to avoid trespass upon the ground at present occupied by the County and Borough Councils.

**13.** No proposal to substitute for devolution an increase of the powers of the existing County and Borough Councils would satisfy the reasonable demand for local self-government or relieve the congestion of the Imperial Parliament.

The existing County and Borough Councils are fully engrossed in the exercise of powers already assigned to them and should not be burdened with fresh ones. Moreover they are by nature and constitution better suited to the work of administration than that of legislation. It would be alien to their constitution to set up within them government by a responsible executive in place of government by committee—and no mere government by committee would suffice where there were large powers of legislation.

**14.** Symmetry in point of size or population is of theoretical value only ; experience has shown that its practical value is negligible.

In all the successful instances of federated states the size of the units has varied exceedingly. Not to mention the German Empire, where Prussia is nearly twice as large as all the other states together, this statement is supported by the instances of the United States of America, Canada, Australia and South Africa.

The difference in size between the State of New York with its nine million population and that of Vermont—also one of the original States of the Union—with its 350,000, is greater than any difference between areas to which it is probable that separate legislatures would ever be given here.

Other instances can be cited from each of the self-governing Dominions—thus in Canada, Ontario has a population of $2\frac{1}{2}$ millions, *i.e.* some twenty-five times that of Prince Edward Island ; in Australia, New South Wales has a population of $1\frac{3}{4}$ millions, *i.e.* some nine times that of Tasmania ; in South Africa, Cape Colony has a population

of $2\frac{1}{2}$ millions or $2\frac{1}{2}$ times that of Natal. The differences in area are even greater than the differences in population and in all these instances the differences in population and importance may be expected to become accentuated in the course of time.

**15.** The powers which it is proposed to delegate would naturally include those administrative powers which are at present exercised for Scotland by the Secretary for Scotland.

The extent of these is imperfectly appreciated by the great majority of people. They include, *e.g.*, practically all the powers exercised administratively by the Home Secretary in England. It may be argued that if they are already delegated, what further is there left to delegate? But there is all the difference in the world between these powers being wielded by a person responsible to the Imperial Parliament and a person or persons responsible to a local legislature.

Two results may be confidently anticipated from the transfer.

(i) The people of each country will achieve a very large degree of control over their own affairs—a control it may be said which no one would presume to deny their right to, and

(ii) The relief to the Imperial Parliament will be very considerable.

It is one of the abuses of the present system that the business of the nation is at any moment liable to be suspended upon a motion for the adjournment of the House in order to discuss matters of exclusively local interest, and the time both of Imperial Ministers and of the House of Commons is wasted in the preparation and delivery of answers to questions that should never be propounded outside the doors of a local assembly.

**16.** In the purely legislative sphere there are certain subjects which must be withheld from devolution either:

(i) On the ground that their retention is necessary to the Sovereignty of the Imperial Parliament, or

(ii) Because the balance of convenience makes their transfer inexpedient.

It is not proposed to burden this paper with an exhaustive list of the subjects falling within either category, although such a list has already been prepared, but there may be cited as a single instance of class (i) legislature affecting the prerogative of the Crown and of class (ii) general mercantile law.

In regard to subjects falling within class (ii) it may be stated that full recognition would of course be extended to existing distinctions of English, Scottish or Irish Law—but that it is considered that while it would be unwise to encourage the development of differences by the local legislatures, there is no danger of the Imperial Parliament proving obdurate in the making of any alteration in the existing law which the local parliaments might reasonably desire to secure. Perhaps a convenient instance of what is meant may be found in the recent passage through the Imperial Parliament of the Act Consolidating and Amending the Scottish Law of Bankruptcy.

**17.** The subjects in regard to which it is proposed to delegate the power to legislate to the subordinate parliaments also fall into two classes, *i.e.* (i) where, apart from the general supremacy of the Imperial Parliament, no special conditions need be imposed; and (ii) where the right to legislate ought to be restricted within certain limits.

Here again it is not proposed for the moment to do more than cite as an instance of class (i) the Public Health Acts, and of class (ii) Railways and Canals.

**18.** Finance must naturally be the subject of special provisions. It is submitted that the two following propositions are both equitable and susceptible of ready application:

(i) Where services, at present maintained out of Imperial funds, are transferred to a local legislature, an annual sum equal to the cost of those services at the date of transfer should be made over from the Imperial to the local exchequer.

(ii) The subordinate parliaments should be entitled

to the benefit of their own economies but should be empowered within limits to be defined by the Imperial Parliament to impose and collect taxes for any additional expenses which they may incur.

In this connection it should be explained that the sum which it is proposed to transfer annually should be a lump sum, and that it should be within the competence of the subordinate parliament to devote it to the payment of any services which it may lawfully create or continue.

The only qualification to be placed upon this statement is that in the event of the Imperial Parliament retaining the right of inspection or relying upon the use of any transferred service (*e.g.* the prisons), it should impose from time to time upon the subordinate parliaments a duty to spend a minimum sum in respect of the upkeep of that service.

**19.** All Imperial taxes should be imposed by the Imperial Parliament and collected as heretofore by Imperial officers.

**20.** It is proposed that apart from the Final Court of Appeal, the judges of which will, of course, be appointed as heretofore by the Imperial Government, the judges of all the superior Courts in each kingdom should be appointed on the advice of the Lord Chancellor, who should, in future, be styled the Lord Chancellor of the United Kingdom.

It will be seen that the foregoing propositions are based upon certain simple axioms, of which the one of cardinal importance is that the Sovereignty of the Imperial Parliament (*i.e.*, of His Majesty the King in Parliament) cannot in any circumstances be impaired.

Other axioms are that any system of devolution to be acceptable must proceed upon natural, simple lines—that if it is worth attempting at all it must be made effective; that the new self-governing areas should not be too numerous, that they should be given as nearly as possible identical powers and given them as nearly as possible simultaneously, and that nothing should be done to disturb the system of County or

Borough Local Government which, although modern, has become firmly established, and is believed to be popular.

Finally, attention is particularly drawn to the fact that the system which it is proposed to establish is devolutionary, not federal.

It is perhaps worth while to underline the distinction. A federal system presupposes an agreement of bodies of equal powers to form a union which shall be their agent for the execution of their common will for their common benefit. A devolutionary system, on the contrary, presupposes a sovereign body which, without surrendering any of its powers, delegates the exercise of such powers as it chooses to strictly subordinate legislatures. In the one case, the central power has always to reckon with the existence of State rights, and a written constitution is required to apportion their several jurisdictions. In the other the central power is in the position of a principal who can at any moment revoke the authority of its agents and is never exposed to the danger of concurrent jurisdiction for the reason that, in the presence of the principal, the authority of the agent is at once seen to be provisional.

Such then are the rough outlines of a scheme which may easily receive a cold welcome from the political parties, each of which necessarily has its own prejudices and preoccupations.

But for the very reason that it is propounded with no other view than the better government of our country and the concord of its peoples, it may hope to win the sympathy of public opinion.

That opinion is far too modest in this country. It does not realise its strength solely for the reason that it is so seldom willing to exert it. Comparatively little force is needed to disturb the poise of parties, which, by a law of their existence, ever tend to approximate in strength to one another.

That force public opinion can wield if it only will.

Neither party ever with impunity ignores the weight of disinterested common sense which is at the back of such public opinion. Least of all can either afford to do so when their

mutual conflicts have brought the State to the verge of a great disaster.

At the moment, conscious of their failure to solve the gravest question of our day, both parties are engaged in attempting an evasion of the difficulty, the one by demanding, the other by conceding, points in that field where the conflict appears to be immediately the most disastrous. The process amounts to no more than the prescription of a sedative. It bears no relation to the treatment which is necessary to effect a cure. Indeed, to do them justice, this is admitted by both parties, neither of which hopes to do more than avert an imminent collapse.

Let us leave parties and regard men.

No sane man in his heart desires the settlement of the Irish difficulty by force, or views with anything but dismay the prospect of organised resistance to the law. What then can such a man do? A general election merely offers him the chance, nay, the duty, of voting for one or other of the parties who have led him and the country to the present impasse. He probably sympathises a little with both the Irish points of view. In any case, he is willing to admit that both these points of view are held in all sincerity and will not be surrendered to the verdict of any number of elections. Yet an election puts him to the duty of voting down one point of view, and possibly, in order to carry out the verdict of the election, to the duty of crushing that point of view by force.

Is it not wiser as well as easier to call a truce to conflict before the issue is joined?

If public opinion has it in its power to call a truce, will it not rise to the emergency and call aloud for one?

If the political parties are so far committed to the expedient which they are now discussing that neither has the will or the time to withdraw, cannot public opinion insist that the makeshifts which are now proposed shall be only temporary, pending a real and lasting solution of the problem?

This paper is made public in the belief that a truce **can** be agreed upon the terms of regarding all such makeshifts and expedients as temporary provisions and that, **given but a little**

**time,*** the way of Unity and Peace can be rediscovered in a measure of general devolution, which shall at once

(i) relieve the congestion of Parliament;

(ii) satisfy all reasonable demands for self-government; and (iii) confirm the rights of all subjects of His Majesty in every part of the United Kingdom upon an even and equitable basis.

* "Perhaps I have gone too far in saying no suggestion has been made from the other side. One suggestion was indicated the other day by Mr. Austen Chamberlain—a suggestion that a settlement might be reached on the lines of a Federal system for the United Kingdom. That means, I imagine, Home Rule all round: different Parliaments for the different parts of the United Kingdom generally, and not for Ireland alone. Three years ago, when there was a conference between the two parties, had they expressed their willingness to come to a settlement on a Federal solution of the United Kingdom generally; had they done that three years ago, well, by this time, perhaps, we might have worked out a Federal solution. But you cannot work it out at the eleventh hour, at a moment's notice. It has been in the minds of many of us, but a Federal solution is a very big thing. It is our objective in the long run, Home Rule all round."—*Sir Edward Grey at Bradford, December* 4, 1913.

"I lay down these preliminaries to any possible settlement, and I do not think they will be considered unreasonable. I lay down first, that no settlement must humiliate or degrade us. I lay down, secondly, that we must not get any treatment different and exceptional from the treatment offered to any other part of the United Kingdom. We must have preserved to us what every citizen has, neither more nor less; we must have the same protection of the Imperial Parliament, and, above all, we must have no Bill and no Act which establishes the foundation for the ultimate separation of your country from ours."—*Sir Edward Carson at Manchester, December* 3, 1913.

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